

Ex. B

**Appendix to
Counseled
Petition**

In v. Sup't

John In,

Petitioner,

v.

Mark Capozza, Superintendent,
State Correctional Institution at
Fayette,

Respondent.

_____ cv _____

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Dated: February 9, 2021

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Attn: Det Conn #629
Philadelphia Police Dept.
South Detectives Division
24th & Wolf Streets
Philadelphia, Pa. 19145

Attn: Lt. Nolan #386
Philadelphia Police Dept.
Internal Affairs Bureau
7790 Dungan Road
Philadelphia, Pa. 19111

Attn: ADA Lauren Baraldi
District Attorney's Office
Repeat Offenders Unit
3 S. Penn Square
Philadelphia, PA 19107

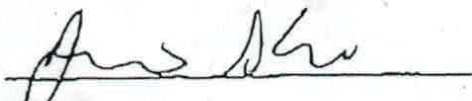
Date: 3/6/2008
Lab#: 07-70327
DC#: 07-04-009377
SDD#: 07-01776
IAB P/S#: 07-18

CONCLUSIONS:

1. John In is excluded as a contributor of the DNA detected in samples #24775 - 24779.
2. Jerry Jean is included as a contributor of the major component of the DNA mixture detected at the FGA, D8S1179, vWA, Amelogenin, D18S51, D21S11, TH01, D3S1358, Penta D, D16S539, D7S820, D13S317 and D5S818 loci in sample #24775. The frequency of this combination of DNA types is 1 in 466 quadrillion in the random unrelated African American population, 1 in 2.88 quintillion in the random unrelated Caucasian population and 1 in 692 quadrillion in the random unrelated Hispanic population. Jerry Jean also can not be excluded as a contributor to the DNA mixtures detected at the TPOX, Penta E and CSF1PO loci; however due to the low intensity at these loci, these loci were excluded from the statistical analysis. No further conclusions can be made at this time regarding any additional contributors of the DNA detected in this sample.
3. The partial DNA mixture profile detected in sample #24776 consists of a mixture from at least two contributors, at least one of which is male. Jerry Jean and John In are excluded as contributors of the DNA detected in this sample. No further conclusions can be made at this time regarding any additional contributors of the DNA detected in this sample.
4. The DNA detected in sample #24777 consists of a mixture from at least three contributors, at least one of which is male. Under the assumption that there are four contributors, Jerry Jean cannot be excluded as a partial contributor of the DNA detected in this sample. However, both DNA types possessed by Jerry Jean were not detected at the Penta E, D18S51, CSF1PO and D16S539 loci. The inability to detect both DNA types at these loci could be attributed to allelic dropout. John In is excluded as a contributor of the DNA detected in this sample. No further conclusions can be made at this time regarding any additional contributors of the DNA detected in this sample.
5. The partial DNA mixture profile detected in sample #24778 consists of a mixture from at least two contributors. The major component originates from an unknown male. Jerry Jean and John In are excluded as contributors of the DNA detected in this sample. No further conclusions can be made at this time regarding any additional contributors of the DNA detected in this sample.
6. The partial DNA mixture profile detected in sample #24779 consists of a mixture from at least three contributors, at least one of which is male. Jerry Jean and John In are excluded as contributors of the DNA detected in this sample. No further conclusions can be made at this time regarding any additional contributors of the DNA detected in this sample.
7. No DNA results were obtained from samples #24780 and 24781.

DISPOSITION OF EVIDENCE:

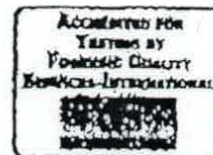
All processed DNA extracts have been retained in the DNA Identification Laboratory.
The evidence swabs and reference samples have been returned to the Criminalistics Laboratory.


Benjamin S. Levin
Forensic Scientist II

Laboratory User Fee Requested: \$3,300.00



**Philadelphia Police Department
Forensic Science Division
DNA Identification Laboratory Report
843-849 N. 8th Street - 3rd Floor
Philadelphia, PA 19123**



Attn: Det Conn #629
Philadelphia Police Dept.
South Detectives Division
24th & Wolf Streets
Philadelphia, Pa. 19145

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3 S. Penn Square
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Investigation of the robbery at 720 Mifflin Street

DNA isolation techniques were performed on the below listed samples, amplified using Polymerase Chain Reaction (PCR), and typed using the Promega Powerplex 16bio STR DNA typing kit. The analysis of the below listed samples and any conclusions drawn from the results thereof were conducted in accordance with the Philadelphia Police Department DNA Identification Laboratory Quality Assurance Manual, FBI Quality Assurance and ISO/IEC 17025, FRA1 and FRA2 requirements for accreditation through Forensic Quality Services (FQS).

SUMMARY OF POWERPLEX 16BIO STR & AMELOGENIN TYPING:

Sample #	Item Description	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13	Q14	Q15	Q16	Q17	Q18	Q19	Q20	Q21	Q22	Q23	Q24	Q25	Q26	Q27	Q28	Q29	Q30	Q31	Q32	Q33	Q34	Q35	Q36	Q37	Q38	Q39	Q40	Q41	Q42	Q43	Q44	Q45	Q46	Q47	Q48	Q49	Q50	Q51	Q52	Q53	Q54	Q55	Q56	Q57	Q58	Q59	Q60	Q61	Q62	Q63	Q64	Q65	Q66	Q67	Q68	Q69	Q70	Q71	Q72	Q73	Q74	Q75	Q76	Q77	Q78	Q79	Q80	Q81	Q82	Q83	Q84	Q85	Q86	Q87	Q88	Q89	Q90	Q91	Q92	Q93	Q94	Q95	Q96	Q97	Q98	Q99	Q100	Q101	Q102	Q103	Q104	Q105	Q106	Q107	Q108	Q109	Q110	Q111	Q112	Q113	Q114	Q115	Q116	Q117	Q118	Q119	Q120	Q121	Q122	Q123	Q124	Q125	Q126	Q127	Q128	Q129	Q130	Q131	Q132	Q133	Q134	Q135	Q136	Q137	Q138	Q139	Q140	Q141	Q142	Q143	Q144	Q145	Q146	Q147	Q148	Q149	Q150	Q151	Q152	Q153	Q154	Q155	Q156	Q157	Q158	Q159	Q160	Q161	Q162	Q163	Q164	Q165	Q166	Q167	Q168	Q169	Q170	Q171	Q172	Q173	Q174	Q175	Q176	Q177	Q178	Q179	Q180	Q181	Q182	Q183	Q184	Q185	Q186	Q187	Q188	Q189	Q190	Q191	Q192	Q193	Q194	Q195	Q196	Q197	Q198	Q199	Q200	Q201	Q202	Q203	Q204	Q205	Q206	Q207	Q208	Q209	Q210	Q211	Q212	Q213	Q214	Q215	Q216	Q217	Q218	Q219	Q220	Q221	Q222	Q223	Q224	Q225	Q226	Q227	Q228	Q229	Q230	Q231	Q232	Q233	Q234	Q235	Q236	Q237	Q238	Q239	Q240	Q241	Q242	Q243	Q244	Q245	Q246	Q247	Q248	Q249	Q250	Q251	Q252	Q253	Q254	Q255	Q256	Q257	Q258	Q259	Q260	Q261	Q262	Q263	Q264	Q265	Q266	Q267	Q268	Q269	Q270	Q271	Q272	Q273	Q274	Q275	Q276	Q277	Q278	Q279	Q280	Q281	Q282	Q283	Q284	Q285	Q286	Q287	Q288	Q289	Q290	Q291	Q292	Q293	Q294	Q295	Q296	Q297	Q298	Q299	Q300	Q301	Q302	Q303	Q304	Q305	Q306	Q307	Q308	Q309	Q310	Q311	Q312	Q313	Q314	Q315	Q316	Q317	Q318	Q319	Q320	Q321	Q322	Q323	Q324	Q325	Q326	Q327	Q328	Q329	Q330	Q331	Q332	Q333	Q334	Q335	Q336	Q337	Q338	Q339	Q340	Q341	Q342	Q343	Q344	Q345	Q346	Q347	Q348	Q349	Q350	Q351	Q352	Q353	Q354	Q355	Q356	Q357	Q358	Q359	Q360	Q361	Q362	Q363	Q364	Q365	Q366	Q367	Q368	Q369	Q370	Q371	Q372	Q373	Q374	Q375	Q376	Q377	Q378	Q379	Q380	Q381	Q382	Q383	Q384	Q385	Q386	Q387	Q388	Q389	Q390	Q391	Q392	Q393	Q394	Q395	Q396	Q397	Q398	Q399	Q400	Q401	Q402	Q403	Q404	Q405	Q406	Q407	Q408	Q409	Q410	Q411	Q412	Q413	Q414	Q415	Q416	Q417	Q418	Q419	Q420	Q421	Q422	Q423	Q424	Q425	Q426	Q427	Q428	Q429	Q430	Q431	Q432	Q433	Q434	Q435	Q436	Q437	Q438	Q439	Q440	Q441	Q442	Q443	Q444	Q445	Q446	Q447	Q448	Q449	Q450	Q451	Q452	Q453	Q454	Q455	Q456	Q457	Q458	Q459	Q460	Q461	Q462	Q463	Q464	Q465	Q466	Q467	Q468	Q469	Q470	Q471	Q472	Q473	Q474	Q475	Q476	Q477	Q478	Q479	Q480	Q481	Q482	Q483	Q484	Q485	Q486	Q487	Q488	Q489	Q490	Q491	Q492	Q493	Q494	Q495	Q496	Q497	Q498	Q499	Q500	Q501	Q502	Q503	Q504	Q505	Q506	Q507	Q508	Q509	Q510	Q511	Q512	Q513	Q514	Q515	Q516	Q517	Q518	Q519	Q520	Q521	Q522	Q523	Q524	Q525	Q526	Q527	Q528	Q529	Q530	Q531	Q532	Q533	Q534	Q535	Q536	Q537	Q538	Q539	Q540	Q541	Q542	Q543	Q544	Q545	Q546	Q547	Q548	Q549	Q550	Q551	Q552	Q553	Q554	Q555	Q556	Q557	Q558	Q559	Q560	Q561	Q562	Q563	Q564	Q565	Q566	Q567	Q568	Q569	Q570	Q571	Q572	Q573	Q574	Q575	Q576	Q577	Q578	Q579	Q580	Q581	Q582	Q583	Q584	Q585	Q586	Q587	Q588	Q589	Q590	Q591	Q592	Q593	Q594	Q595	Q596	Q597	Q598	Q599	Q600	Q601	Q602	Q603	Q604	Q605	Q606	Q607	Q608	Q609	Q610	Q611	Q612	Q613	Q614	Q615	Q616	Q617	Q618	Q619	Q620	Q621	Q622	Q623	Q624	Q625	Q626	Q627	Q628	Q629	Q630	Q631	Q632	Q633	Q634	Q635	Q636	Q637	Q638	Q639	Q640	Q641	Q642	Q643	Q644	Q645	Q646	Q647	Q648	Q649	Q650	Q651	Q652	Q653	Q654	Q655	Q656	Q657	Q658	Q659	Q660	Q661	Q662	Q663	Q664	Q665	Q666	Q667	Q668	Q669	Q670	Q671	Q672	Q673	Q674	Q675	Q676	Q677	Q678	Q679	Q680	Q681	Q682	Q683	Q684	Q685	Q686	Q687	Q688	Q689	Q690	Q691	Q692	Q693	Q694	Q695	Q696	Q697	Q698	Q699	Q700	Q701	Q702	Q703	Q704	Q705	Q706	Q707	Q708	Q709	Q710	Q711	Q712	Q713	Q714	Q715	Q716	Q717	Q718	Q719	Q720	Q721	Q722	Q723	Q724	Q725	Q726	Q727	Q728	Q729	Q730	Q731	Q732	Q733	Q734	Q735	Q736	Q737	Q738	Q739	Q740	Q741	Q742	Q743	Q744	Q745	Q746	Q747	Q748	Q749	Q750	Q751	Q752	Q753	Q754	Q755	Q756	Q757	Q758	Q759	Q760	Q761	Q762	Q763	Q764	Q765	Q766	Q767	Q768	Q769	Q770	Q771	Q772	Q773	Q774	Q775	Q776	Q777	Q778	Q779	Q780	Q781	Q782	Q783	Q784	Q785	Q786	Q787	Q788	Q789	Q790	Q791	Q792	Q793	Q794	Q795	Q796	Q797	Q798	Q799	Q800	Q801	Q802	Q803	Q804	Q805	Q806	Q807	Q808	Q809	Q810	Q811	Q812	Q813	Q814	Q815	Q816	Q817	Q818	Q819	Q820	Q821	Q822	Q823	Q824	Q825	Q826	Q827	Q828	Q829	Q830	Q831	Q832	Q833	Q834	Q835	Q836	Q837	Q838	Q839	Q840	Q841	Q842	Q843	Q844	Q845	Q846	Q847	Q848	Q849	Q850	Q851	Q852	Q853	Q854	Q855	Q856	Q857	Q858	Q859	Q860	Q861	Q862	Q863	Q864	Q865	Q866	Q867	Q868	Q869	Q870	Q871	Q872	Q873	Q874	Q875	Q876	Q877	Q878	Q879	Q880	Q881	Q882	Q883	Q884	Q885	Q886	Q887	Q888	Q889	Q890	Q891	Q892	Q893	Q894	Q895	Q896	Q897	Q898	Q899	Q900	Q901	Q902	Q903	Q904	Q905	Q906	Q907	Q908	Q909	Q910	Q911	Q912	Q913	Q914	Q915	Q916	Q917	Q918	Q919	Q920	Q921	Q922	Q923	Q924	Q925	Q926	Q927	Q928	Q929	Q930	Q931	Q932	Q933	Q934	Q935	Q936	Q937	Q938	Q939	Q940	Q941	Q942	Q943	Q944	Q945	Q946	Q947	Q948	Q949	Q950	Q951	Q952	Q953	Q954	Q955	Q956	Q957	Q958	Q959	Q960	Q961	Q962	Q963	Q964	Q965	Q966	Q967	Q968	Q969	Q970	Q971	Q972	Q973	Q974	Q975	Q976	Q977	Q978	Q979	Q980	Q981	Q982	Q983	Q984	Q985	Q986	Q987	Q988	Q989	Q990	Q991	Q992	Q993	Q994	Q995	Q996	Q997	Q998	Q999	Q1000	Q1001	Q1002	Q1003	Q1004	Q1005	Q1006	Q1007	Q1008	Q1009	Q1010	Q1011	Q1012	Q1013	Q1014	Q1015	Q1016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REFERENCE SAMPLE COLLECTION INSTRUCTIONS

Chain of Custody Procedure

PAPERWORK AND ID

1. Verify the tested party's ID:

- Qualified photo IDs include state driver's license, passport, military ID, employment photo ID, inmate's photo badge or photo intake form.
- For tested parties under 18 years of age, a birth certificate or Social Security Card is acceptable.
- Make a photocopy of the tested party's photo ID and attach it to the Reference Sample Information Form.

2. Complete all fields and check appropriate boxes on the Reference Sample Information Form.

SPECIMEN COLLECTION PROCEDURE

1. Collect Specimens:

- Use only the buccal swabs provided. Remove swabs from wrapper and discard the wrapper.
- Scrape each swab briskly against the inside of the cheek for 10 strokes. Rotate the swabs while scraping from front to back using 2 swabs for each cheek.
- Place swabs inside the Buccal Swab Collection envelope provided, one at a time as you collect them.
- When all 4 swabs are placed inside the paper envelope, seal the envelope with one of the red tamper tapes provided. **Do not lick the envelope to seal; doing so might contaminate the sample.** Write your initials or sign the tape.

2. Label Specimens: Properly label each envelope containing the specimen with the tested party's name and date of birth, the collector's name, and date of collection. The tested party then should verify the accuracy of the label and write their initials on the corresponding line. Please note that any unlabeled or mislabeled specimen jeopardizes chain of custody and cannot be used.

SHIPPING PROCEDURE

1. Package Specimens:

- Place the following items in the white DDC envelope:
 - all envelopes containing buccal swab samples
 - all completed paperwork (Reference Sample Information Form or Chain of Custody Form, if applicable)

2. Apply Tamper Tape: Sign/date the other red tamper tape and seal DDC envelope with this tamper tape.

3. Seal FedEx or UPS Package: Place the sealed DDC envelope containing buccal samples and all identification documentation/paperwork into the FedEx or UPS Shipping package provided by DDC, and seal securely. If you wish to use a different carrier, please call DDC for shipping instructions.

4. Contact FedEx or UPS for Package Pickup: If you have a regularly scheduled UPS or FedEx pickup, simply place package in your outgoing courier mail. Otherwise, for UPS call 1-800-823-7459 or visit www.ups.com and select "Schedule a Pickup." For FedEx, visit <http://www.fedex.com> and select "Shipping" and then "Schedule & Manage Pickups" or call 800-463-3339.

5. Record Shipment Tracking Number: Record the shipping tracking or confirmation number for your reference.

1260 0665 6099

Questions? Call DDC Forensics: 1-800-406-1940 (Mon-Fri, 8:30am-5:30pm Eastern Time)

Reference Sample Information Form

Chain of Custody Documentation

A copy of this form must be completed for each reference sample contributor.

Forensics

Section I: Reference Sample Information to be Completed by Collector

Tested Party's name will appear on the report exactly as you enter it here.

First Middle Last
Tested Party's Full Legal Name: (print) Durhan Dante Marcble

Date of Birth: (mm/dd/yyyy) 2/12/86

Social Security Number: 174-66-9431

Case Reference #: (if available) _____

Date of Collection: (mm/dd/yyyy) 2/25/20

☐ Asian ☒ Black ☐ Caucasian ☐ Hispanic ☐ Native American ☐ Other: _____

Race information is required for testing. Please select the race that best describes the tested party. If more than one applies, select "other" and describe.

Section II: Reference Sample Information Verification to be Completed by Tested Party

Sign Here

I, the undersigned, attest that the information appearing in Section I of form is correct and true to the best of my knowledge.

X Signature of Patient or Legal Custodian*: Durhan Dante Marcble

*Legal Custodian's signature is required only if the Patient is under 18 years of age or a legally incompetent adult.

X 2/25/20
Date (mm/dd/yyyy)

Section III: Information to be Completed by Collector

Patient Identification:

ID #: _____

☐ Social Security Card

☐ Birth Certificate

☒ Driver's License

☐ State ID

☐ Inmate's Photo Badge

☐ Other: _____

Collection Facility/Responsible Party Information:

Collector's Name: Karl Schwartz

Organization: Law Firm

Address: 718 Arch St., Phila, PA Suite/Apt. # _____

C/S/Zip: 19106

Country: USA

Phone: (215) 450 - 3391

Shipping Via: ☒ FedEx ☐ UPS ☐ Courier ☐ Other: _____

Sign Here

I, Karl Schwartz, hereby affirm that I have properly identified the tested party. I have collected the specimen and labeled the container and package properly in the presence of the tested party. The specimen is clearly labeled with the tested party's name, date of birth, and date of collection. The specimen has not been tampered with and was never left unattended. I have packaged the specimen securely for shipment.

X [Signature] X 2/25/20 3:15 ☐ AM ☒ PM

Signature of Collector Date (mm/dd/yyyy) Time

Please be sure the form is completed. Incomplete forms may jeopardize Chain of Custody and delay testing.

WARNING: This form and the collection kit are the property of DNA Diagnostics Center. Use of any DNA Diagnostics Center materials and camera to serve laboratories other than DNA Diagnostics Center is strictly prohibited. Violators will be subject to legal prosecution.

FORENSICS

Case # F20-25192

Pennsylvania
visitPA.com

DRIVER'S LICENSE

084

No: 28 159 670 Dups: 00
DOB: 02/12/1986 Sex: M
Class: C Eyes: BRO
Endorse: --- Height: 5'08"
Com/Med Rstr: ---
Issued: 07/07/2016
Expires: 07/12/2016

DYSHON D MARABLE
938 W WASHINGTON ST
NORRISTOWN PA 19401

[Signature]

DL

FORENSIC REPORT

Report #1

To: Mr. Karl Schwartz
Attorney at Law
Wiseman & Schwartz, LLP
718 Arch Street, Suite 702 North
Philadelphia, PA 19106

Date: 2/28/20

DDC Case No.: F20-25192

The following item was analyzed:

DDC Item No.	Description	Date Received
01	Reference standard from Dyshon Marable	2/26/20

Deoxyribonucleic Acid (DNA) Results:

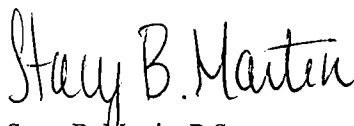
DNA typing was performed using Polymerase Chain Reaction (PCR) with the GlobalFiler™ amplification kit on item 01.A.1 (reference standard from Dyshon Marable).

Conclusions:

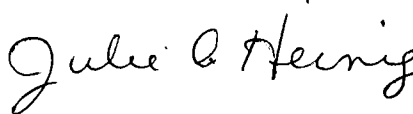
A DNA profile was obtained from item 01.A.1 (reference standard from Dyshon Marable).

Disposition of Evidence:

The evidence is stored in the DDC Forensic Department.



Stacy B. Martin, B.S.
Forensic DNA Analyst



Julie A. Heinig, Ph.D.
Forensic Director
DNA Technical Leader
Technical Reviewer

Case Number: F20-25192
Date: 2/27/20
Analyst: SBM

Locus	01.A.1 Reference standard from Dyshon Marable
D3S1358	17, 18
vWA	15, 17
D16S539	10, 11
CSF1PO	11
TPOX	11
Yindel	2
Amelogenin	XY
D8S1179	12, 13
D21S11	29, 31
D18S51	16
DYS391	10
D2S441	11, 14
D19S433	13, 13.2
TH01	7
FGA	21, 23
D22S1045	10, 11
D5S818	8, 12
D13S317	11
D7S820	8, 9
SE33	17, 24.2
D10S1248	13
D1S1656	12, 20
D12S391	15, 19
D2S1338	17, 19

CURRICULUM VITAE OF ARTHUR W. YOUNG

Guardian Forensic Sciences | 1021 Old York Road, Suite 202 | Abington, PA 19001
Office: 215-277-1780 / Fax: 215-277-1785 / UnityFax.com: 215-933-5221 / Cell: 337-781-4122
e-mail: ayoung@guardianforensicsciences.com

EDUCATION

University of Southwestern Louisiana - Lafayette, LA	1986 - 1991
▪ <i>(Renamed to The University of Louisiana at Lafayette in 1999)</i>	
▪ Degree: Bachelor of Science	
▪ Major: Pre-Medical Sciences	

EXPERIENCE

Guardian Forensic Sciences - Abington, PA	10/2010 - present
▪ Forensic Biology Specialist & Managing Partner	
NMS Labs - Willow Grove, PA	01/2002 - 10/2010
▪ Forensic Biologist	
Arcadia University - Glenside, PA	08/2004 - 10/2008
▪ Adjunct Instructor	
Acadiana Criminalistics Laboratory - New Iberia, LA	07/1991 - 09/2001
▪ Forensic Chemist	
Jeff Nemetz Photography - Abbeville, LA	04/1996 - 12/2001
▪ Assistant Photographer	
Maison de Portrait/Jay Faugot Photography - Lafayette, LA	07/1986 - 12/2001
▪ Assistant Photographer & Darkroom Technician	
University Medical Center - Lafayette, LA	12/1989 - 06/1991
▪ Student Lab Assistant	

CONTINUING EDUCATION / CONFERENCES ATTENDED

Serological Research Institute - Richmond, CA	1991
▪ Forensic serology	
McCrone Research Institute - Chicago, IL	1991
▪ Polarized light microscopy	
American Academy of Forensic Sciences - New Orleans, LA	1992
▪ Courtroom testimony	
Serological Research Institute - Richmond, CA	1992
▪ Forensic serology	
Tarrant County Medical Examiner's Office and Forensic Labs - Ft. Worth, TX	1992
▪ Forensic serology	
Southern Association of Forensic Scientists / Southwestern Association of Forensic Scientists / Southwestern Association of Toxicologists - Shreveport, LA	1992
▪ Forensic serology	
North Louisiana Criminalistics Laboratory - Shreveport, LA	1992
▪ Forensic serology	
Federal Bureau of Investigation, Forensic Science Research and Training Center - Quantico, VA	1992
▪ Forensic serology	
Southern Association of Forensic Scientists / Southwestern Association of Forensic Scientists / Southwestern Association of Toxicologists, Shreveport, LA	1992
▪ Crime scene processing	

CONTINUING EDUCATION / CONFERENCES ATTENDED (continued)

Louisiana Association of Scientific Crime Investigators - New Iberia, LA	1993
▪ Photography	
Southwestern Association of Forensic Scientists' Annual Conference - South Padre Island, TX	1993
▪ Forensic serology	
Southern Association of Forensic Scientists' Annual Conference - Houston, TX	1994
▪ Forensic serology	
Southwestern Association of Forensic Scientists' Annual Conference - Colorado Springs, CO	1995
▪ Forensic serology; forensic DNA analysis	
North Louisiana Criminalistics Laboratory - Shreveport, LA	1996
▪ Blood stain pattern interpretation	
▪ Taught by University of Tennessee (Memphis, TN)	
Federal Bureau of Investigation, Forensic Science Research and Training Center - Quantico, VA	1996
▪ Forensic DNA analysis	
National Forensic Science Training Center - St. Petersburg, FL	1996
▪ Statistics	
Tulane University/GenTest Laboratories	1996
▪ Forensic DNA analysis	
Acadiana Criminalistics Laboratory - New Iberia, LA	1996
▪ Hair examination	
▪ Taught by California Criminalistics Institute (Sacramento, CA)	
North Louisiana Crime Lab - Shreveport, LA	1997
▪ Forensic DNA analysis	
Louisiana State Police - Baton Rouge, LA	1997
▪ Polarized light microscopy	
▪ Taught by McCrone Research Institute (Chicago, IL)	
Acadiana Criminalistics Laboratory	1997
▪ Laboratory auditing	
▪ Taught by California Criminalistics Institute (Sacramento, CA)	
Applied Biosystems, Foster City, CA - Oklahoma City, OK	1998
▪ Forensic DNA analysis	
Southwestern Working Group on DNA Analysis Methods - Austin, TX	1998
▪ Forensic DNA analysis	
Southwestern Working Group on DNA Analysis Methods' Summer Conference - Austin, TX	1999
▪ Statistics	
North Louisiana Crime Lab - Shreveport, LA	1999
▪ Forensic DNA analysis	
Southwestern Working Group on DNA Analysis Methods' Annual Conference - Austin, TX	2000
▪ Forensic DNA analysis; law	
North Louisiana Crime Lab - Shreveport, LA	2001
▪ Forensic biological microscopy	
Association of Forensic DNA Analysts and Administrators' Summer Conference - Austin, TX	2001
▪ Statistics	
NMS Labs - Willow Grove, PA	2001
▪ Courtroom testimony	
▪ Taught by Quantum Communications (San Carlos, CA)	
SAIC - Clarksville, WV	2001
▪ Convicted Offender DNA Identification System (CODIS)	

CONTINUING EDUCATION / CONFERENCES ATTENDED (continued)

NMS Labs - Willow Grove, PA	2002
▪ Blood stain pattern interpretation	
▪ Taught by Spalding Forensics (Centreville, VA)	
Mid-Atlantic Association of Forensic Scientists' Annual Conference - Frederick, MD	2002
▪ Forensic DNA analysis	
Southwestern Working Group on DNA Analysis Methods' Annual Conference - Austin, TX	2002
▪ Law	
Mid-Atlantic Association of Forensic Scientists' Annual Conference - Annapolis, MD	2003
▪ Law	
Tennessee Bureau of Investigation - Nashville, TN	2003
▪ Forensic DNA analysis, Y-STR DNA analysis	
Mid-Atlantic Association of Forensic Scientists' Annual Conference - Annapolis, MD	2003
▪ Improvised explosive devices	
Association of Forensic DNA Analysts and Administrators' Summer Conference - Austin, TX	2003
▪ Y-STR DNA analysis	
Mid-Atlantic Association of Forensic Scientists' Annual Conference - Wilmington, DE	2004
▪ Courtroom testimony	
Federal Bureau of Investigation, Forensic Science Research and Training Center - Quantico, VA	2004
▪ Laboratory auditing	
American Academy of Forensic Sciences, Colorado Springs, CO	2004
▪ Serial and signature homicides	
Association of Forensic DNA Analysts and Administrators' Summer Conference - Austin, TX	2006
▪ Statistics	
Henry C. Lee Institute of Forensic Science's Markle Symposium - New Haven, CT	04/17/06
▪ Drug-related crimes	
Mid-Atlantic Association of Forensic Scientists' Annual Conference - Washington, DC	2007
▪ Forensic DNA analysis; statistics	
NMS Labs - Willow Grove, PA	2007
▪ GeneMapper software	
▪ Taught by Applied Biosystems (Foster City, CA)	
310 CE Users' Group - ATF Lab, Beltsville, MD	2008
▪ Low-template DNA analysis; DNA mixture interpretation	
American Academy of Forensic Sciences - Washington, DC	2008
▪ DNA mixture interpretation	
Association of Forensic DNA Analysts and Administrators' Summer Conference - Austin, TX	2008
▪ Forensic DNA analysis; ethics	
Promega's International Symposium on Human Identification - Las Vegas, NV	2009
▪ Statistics; ethics	
Promega's International Symposium on Human Identification - San Antonio, TX	2010
▪ Low-template DNA analysis	
Promega - Pikesville, MD	2011
▪ DNA mixture interpretation; statistics	
Mid-Atlantic Association of Forensic Scientists' Annual Conference - Ellicott City, MD	2012
▪ Statistics	
American Academy of Forensic Sciences' Annual Conference - Washington, DC	2013
▪ Statistics	
William Burnham Jr. Death Scene Awareness Project - Harrisburg, PA	2013
▪ Crime scene processing	

CONTINUING EDUCATION / CONFERENCES ATTENDED (continued)

Pennsylvania State University - State College, PA	2013
▪ Law	
Promega's International Symposium on Human Identification - Phoenix, AZ	2014
▪ Forensic DNA analysis; low-template DNA analysis; statistics; bodily fluid identification by mRNA	
Mid-Atlantic Association of Forensic Scientists' Annual Conference - Richmond, VA	05/2016
▪ Low-template DNA analysis; probabilistic genotyping	
Association of Forensic DNA Analysts and Administrators' Summer Conference - Austin, TX	07/2016
▪ Forensic DNA analysis; DNA mixture interpretation; probabilistic genotyping	
Forensic Technology Center of Excellence - (online)	02/2017
▪ Error and uncertainty of measurement in blood stain pattern analysis	
Forensic Technology Center of Excellence - (online)	05/2017
▪ ASCLD Webinar Series: DNA Standards and Guidelines	
Forensic Technology Center of Excellence - (online)	09/2017
▪ Record linkage of CODIS profiles with SNP genotypes	

PUBLICATIONS

- Young, Arthur W. "Cracking the Code: Understanding DNA Evidence." How to Try a Rape Case (PBI publication #4416). Mechanicsburg, PA: Pennsylvania Bar Institute, May 2006. Library of Congress Card Catalog Number 2006923621
- Young, Arthur W. "Crime Scene Processing and Forensic DNA." CSI at PBI (PBI publication #2011-6590). Mechanicsburg, PA: Pennsylvania Bar Institute, 2011. Library of Congress Card Catalog Number 2010935230

COURT TESTIMONY

Areas accepted as an expert:

- Forensic serology
- Forensic DNA analysis
- Forensic biology (encompasses both serology and DNA analysis)
- Blood stain pattern interpretation

States/districts accepted as an expert witness (asterisk indicates testimony was provided via video teleconference):

- | | | | | |
|--------------|--------------|----------------|------------------------|------------------|
| ▪ Arkansas | ▪ California | ▪ Delaware | ▪ District of Columbia | ▪ Georgia |
| ▪ Louisiana | ▪ Texas | ▪ Florida | ▪ Maryland | ▪ Massachusetts |
| ▪ New Jersey | ▪ New York | ▪ Pennsylvania | ▪ Virginia | ▪ West Virginia* |
| ▪ Wisconsin* | | | | |

PROFESSIONAL ASSOCIATIONS

American Academy of Forensic Sciences

- Member

American Board of Criminalistics

- Fellow
- Past Technical Specialist in Molecular Biology

Association of Forensic DNA Analysts and Administrators

- Member
- Past Chairperson

International Association of Bloodstain Pattern Analysts

- Member

Mid-Atlantic Association of Forensic Scientists

- Member

Southern Association of Forensic Scientists

- Member

LECTURES / WORKSHOPS GIVEN

The following is an incomplete list of lectures given, including venues, locations, and dates:

- “Collection and Preservation of Biological Samples” (annually, 1992 - 2001)
 - Louisiana Association of Scientific Crime Investigators - New Iberia, LA
- “The Collection, Preservation, and Analysis of Sexual Assault Evidence” (annually, 1992 - 2001)
 - Sexual Abuse Response Center Volunteer Training Group - Lafayette, LA
- “Collection and Preservation of Biological Samples” (annually, 1996-2001)
 - Acadiana Law Enforcement Training Academy - New Iberia, LA
- “Forensic Science as a Career” (annually, 1995 - 2000)
 - St. Thomas More High School - Lafayette, LA
- “Evidence Lost: The Role of the Nurse in the Forensic Investigation” 10/27/01
 - American Association of Critical Care Nurses - Biloxi, MS
- “Maxxing Your Macs” Spring 2004
 - Mid-Atlantic Association of Forensic Scientists - Wilmington, DE
- “The MicroTakayama Crystal Test” Spring 2004
 - Mid-Atlantic Association of Forensic Scientists - Wilmington, DE
- “The Identification of Human Saliva” Spring 2004
 - Mid-Atlantic Association of Forensic Scientists - Wilmington, DE
- “Forensic Science as a Career” Fall 2004
 - Montgomery County Technical Career Center - Lansdale, PA
- “The Identification of Human Saliva” 02/2004
 - American Academy of Forensic Science Annual Meeting - Dallas, TX
 - Poster presentation
- “*CSI* Meets *Animal Cops*, With A Dash Of *MacGyver*: Novel Forensic Solutions To The Humane Officer’s Cases” 05/2005
 - Pennsylvania Society for the Prevention of Cruelty to Animals
- “Updates in Forensic Science” 06/2005
 - Pennsylvania District Attorneys Association - Gettysburg, PA
- “Collecting and Preserving Biological Evidence” 11/2005
 - Cheltenham Township Police Department - Cheltenham, PA
- “Collecting and Preserving Biological Evidence” 04/13/06
 - Abington Township Police Department, Montgomery County D.A.’s Office, and surrounding agencies
- “Drug-Facilitated Rape: From Collection and Preservation to Analysis and Beyond” 04/17/06
 - Markle Symposium (Henry C. Lee Institute) - Uncasville, CT
- “DNA Evidence in Rape Cases” 05/11/06
 - Pennsylvania Bar Institute - Philadelphia, PA
- “Strategies for Success: Vacuum Swabs, Vacuum Filters, and Concentrating DNA Extracts” 07/28/06
 - Association of Forensic DNA Analysts and Administrators - Austin, TX
- “Basic, Advanced, and Forensic Photography” 08/07/06 - 08/08/06
 - Philadelphia Police Department Crime Scene Unit - Philadelphia, PA
- “Basic, Advanced, Forensic, and Advanced Forensic Photography” 03/05/07 - 03/06/07
 - Abington Township Police Department, Montgomery County D.A.’s Office, and surrounding agencies - Abington, PA
- “The Case of Deanna Wright-McIntosh” 09/19/07
 - International Homicide Investigators Association Annual Meeting - Las Vegas, NV
- “Forensic DNA Analysis in the 21st Century: 2007 Update” 11/08/07
 - Southeast Pennsylvania Police Chiefs’ Association
- “Creative Uses of Forensic DNA Analysis to Exculpate” 11/10/07
 - Philadelphia Defender Association - Philadelphia, PA
- “The Forensic Biologist: Your New Partner in Crime” 11/13/07
 - Delaware County police agencies - Neumann University, Aston, PA

LECTURES / WORKSHOPS GIVEN (CONTINUED)

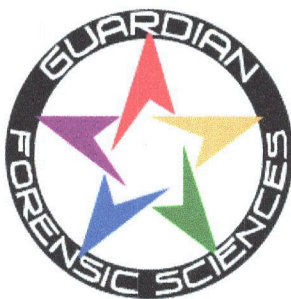
“Forensic Science as a Career”	12/20/07
▪ Montgomery County Technical Career Center - Lansdale, PA	
“Unravelling DNA’s Mysteries: From Molecules to Statistics”	03/17/08
▪ Montgomery County Public Defender’s Office, Montgomery County District Attorney’s Office, Philadelphia Defender Association, and area attorneys	
“Forensic Science as a Career”	04/11/08
▪ Philadelphia High School for Girls - Philadelphia, PA	
“Sexual Assault Evidence: From Collection and Preservation to Analysis and Beyond”	06/19/08
▪ Montgomery County District Attorney’s Office and Montgomery County police agencies	
“Attacking DNA Evidence: Who, What, When, Where, and Why”	06/21/08
▪ Philadelphia Defender Association - Philadelphia, PA	
“Forensic DNA Analysis in the 21 st Century”	07/19/08
▪ LeadAmerica - Fordham University, Bronx, NY	
“Blood Stain Pattern Interpretation”	07/19/08
▪ LeadAmerica - Fordham University, Bronx, NY	
“Unravelling DNA’s Mysteries: From Molecules to Statistics”	07/21/08
▪ United States Attorney General’s Office - Philadelphia, PA	
“Forensic DNA Analysis in the 21 st Century”	10/06/08
▪ Virginia Homicide Investigators Association - Virginia Beach, VA	
“The Case of Deanna Wright-McIntosh”	10/07/08
▪ Virginia Homicide Investigators Association - Virginia Beach, VA	
“The Forensic Biologist: Your New Partner in Crime”	10/28/08
▪ Delaware County police agencies - Ridley High School, Folsom, PA	
“Unravelling DNA’s Mysteries: From Molecules to Statistics”	11/24/08
▪ Monmouth County Public Defenders Office - Freehold, NJ	
“Forensic Serology”	12/03/08
▪ The Innocence Project - New York, NY	
“Forensic DNA Analysis in the 21 st Century”	01/06/09 and 01/08/09
▪ Hawaii Police Department - Kona, HI	
“Forensic DNA Analysis in the 21 st Century”	06/29/09
▪ The Innocence Project - New York, NY	
“Forensic DNA Analysis in the 21 st Century”	07/20/09
▪ LeadAmerica - Fordham University, Bronx, NY	
“Blood Stain Pattern Interpretation”	07/20/09
▪ LeadAmerica - Fordham University, Bronx, NY	
“Forensic DNA Analysis in the 21 st Century”	07/19/10
▪ LeadAmerica - Columbia University, New York, NY	
“Blood Stain Pattern Interpretation”	07/19/10
▪ LeadAmerica - Columbia University, New York, NY	
“Cracking the Code”	09/09/10
▪ Montgomery Bar Association - Norristown, PA	
“Remembering Deanna”	10/13/10
▪ Promega’s 21st International Symposium on Human Identification - San Antonio, TX	
“Collecting and Preserving Biological Evidence”	10/25/10
▪ York City Police Department - York, PA	
“Forensic DNA Analysis in the 21st Century”	10/25/10
▪ York City Police Department - York, PA	

LECTURES / WORKSHOPS GIVEN (CONTINUED)

"Behind the Curtain: A Peek at How Scientists Think, the Principles of Crime Scene Processing, and the Basics of Forensic DNA Analysis"	01/13/10
▪ Pennsylvania Bar Institute - Philadelphia, PA	
"Genetic Material: From Death Scene to Lab"	05/06/11
▪ B.J. Burnham Death Scene Awareness Symposium - Harrisburg, PA	
"Cracking the Code: Understanding Forensic DNA Analysis"	06/03/11
▪ Delaware County Fraternal Order of Police Lodge #27	
"Forensic DNA Profiling: Benefits, Privacy Concerns, & Application in the Identification of Human Remains"	07/12/11
▪ Nigerian Defence Headquarters - Abuja, Nigeria, Africa	
"Forensic DNA Analysis"	04/20/12
▪ Pennsylvania State Coroners Basic Education Course - Hershey, PA	
"Genetic Material: From Death Scene to Lab"	05/03/11
▪ B.J. Burnham Death Scene Awareness Symposium - Harrisburg, PA	
"Cracking the Code: Forensic DNA Analysis in the 21 st Century"	05/04/12
▪ Montgomery County Technical Career Center / Montgomery County Community College - Blue Bell, PA	
"Days of Somer"	05/18/12
▪ Mid-Atlantic Association of Forensic Scientists - Ellicott City, MD	
"One Century Later: The Takayama Microcrystal Test"	07/11/12
▪ Inter/Micro - McCrone Research Institute, Chicago, IL	
"The Case of Deanna Wright-McIntosh"	10/16/12
▪ Pennsylvania Juvenile Officers Conference	
"One Century Later: The Takayama Microcrystal Test"	10/24/12
▪ Southwestern Association of Forensic Scientists - Phoenix, AZ	
"Forensic DNA Analysis: The Evidentiary Issues"	04/16/13
▪ Drexel College of Medicine's Master of Science in Forensic Science program - Philadelphia, PA	
"What Every Attorney Should Know About DNA Evidence"	04/25/13
▪ Pennsylvania Association of Criminal Defense Lawyers - Harrisburg, PA	
"One Century Later: Takayama vs. DNA"	07/17/13
▪ Inter/Micro - McCrone Research Institute, Chicago, IL	
"Full Dexter-ity"	09/25/13
▪ Central Pennsylvania law enforcement agencies - York, PA	
"Applications of Biotechnology in the Forensic Sciences"	11/10/13
▪ Montgomery County Community College - Blue Bell, PA	
"Forensic DNA Analysis"	12/06/13
▪ Pennsylvania State Coroners Basic Education Course - Hershey, PA	
"Forensic DNA Analysis"	01/09/14
▪ Allegheny County Office of the Public Defender - Pittsburgh, PA	
▪ incomplete; was interrupted by court	
"Cracking the Code: Deciphering DNA"	01/21/14
▪ Delaware County detectives and investigators; cut short due to snow storm	
"Forensic DNA Analysis"	04/11/14
▪ Pennsylvania State Coroners Basic Education Course - Hershey, PA	
"Cracking the Code: Deciphering DNA"	04/11/14
▪ Lancaster Area Paralegal Association - York, PA	
"Examination and Analysis of Biological Evidence"	10/02/14
▪ Promega's 24th International Symposium on Human Identification - Phoenix, AZ	
"Cracking the Code: Deciphering DNA" (for detectives)	10/16/14
▪ Mercyhurst University - Erie, PA	

LECTURES / WORKSHOPS GIVEN (CONTINUED)

“Forensic DNA Analysis” (for students) <ul style="list-style-type: none">▪ Mercyhurst University - Erie, PA	10/17/14
“Applications of Biotechnology in the Forensic Sciences” <ul style="list-style-type: none">▪ Montgomery County Community College - Blue Bell, PA	11/12/14
“Using ‘Toluene Bombs’ to Recover DNA from Permout or Repair Aged Permout-Fixed Slides” <ul style="list-style-type: none">▪ Inter/Micro - McCrone Research Institute, Chicago, IL	06/08/15
“Recognizing Sentinel Events in Forensic Science to Avoid Errors” <ul style="list-style-type: none">▪ International Symposium on Forensic Science Error Management - Washington, DC	07/23/15
“CSI: Can’t Stand Inaccuracy” <ul style="list-style-type: none">▪ Professional Association of Licensed Investigators	09/15/15
“Applications of Forensic DNA Analysis for Counterterrorism and Counterintelligence” <ul style="list-style-type: none">▪ Nigerian Army Intelligence Corps - Abuja, Nigeria, Africa	09/22/15 - 09/23/15
“What’s in a ‘Match’?” <ul style="list-style-type: none">▪ Cyril H. Wecht Institute of Forensic Science and Law - Pittsburgh, PA	10/16/15
“Forensic DNA Analysis” <ul style="list-style-type: none">▪ Pennsylvania State Coroners Basic Education Course - Hershey, PA	12/11/15
“Cracking the Code I: Deciphering DNA” <ul style="list-style-type: none">▪ Federal Defender Association - Philadelphia, PA	01/14/16
“Cracking the Code II: Understanding Statistical Calculations” <ul style="list-style-type: none">▪ Federal Defender Association - Philadelphia, PA	03/10/16
“Forensic Fails” <ul style="list-style-type: none">▪ Lancaster Area Paralegal Association - York, PA	04/08/16
“New Precautions Against DNA Contamination” <ul style="list-style-type: none">▪ International Association of Identification, Chesapeake Bay Division - Williamsburg, VA	04/23/16
“Failures in Forensic Science - Read All About It” <ul style="list-style-type: none">▪ Mid-Atlantic Association of Forensic Scientists - Richmond, VA	05/19/16
“Failures in Forensic Biology - Read All About It” <ul style="list-style-type: none">▪ Mid-Atlantic Association of Forensic Scientists - Richmond, VA	05/19/16
“Legal and Legislative Considerations of Forensic Science” <ul style="list-style-type: none">▪ Lagos Forensic Symposium - Lagos, Nigeria, Africa	11/16/16
“DNA in Human Remains Identification and National Security” <ul style="list-style-type: none">▪ Lagos Forensic Symposium - Lagos, Nigeria, Africa	11/17/16
“Forensic DNA Analysis” <ul style="list-style-type: none">▪ Delaware County police agencies - Ridley Township, PA	11/23/16
“DNA Shenanigans” <ul style="list-style-type: none">▪ Defender Association of Philadelphia - Philadelphia, PA	06/24/17
“DNA Basics 101” <ul style="list-style-type: none">▪ Lancaster County Bar Association - Lancaster, PA	06/29/17



Wiseman & Schwartz, LLP
Attention: Mr. Karl Schwartz, Esquire
718 Arch Street
Suite 702 North
Philadelphia, PA 19106

February 04, 2021

Re: *Commonwealth of Pennsylvania v. John In*
DNA Diagnostics Center Case #F20-25192
Philadelphia Police Department's Forensic Science Division Lab #07-70327
DC #07-04-009377
SDD #07-01776
IAB P/S #07-18
Guardian Forensic Sciences Case #20-0048

Mr. Schwartz –

We are the in receipt of the following documents:

- One portable document format (PDF) file entitled "Marable's Profile.pdf" containing a Forensic Report for DNA Diagnostic Center Case #F20-25192, dated 02/28/20, and issued by Forensic DNA Analyst Stacy B. Martin, B.S., consisting of two pages.
- One portable document format (PDF) file entitled "DNA.pdf" containing a report for Philadelphia Police Department's Forensic Science Division Lab #07-70327, dated 03/06/08, and issued by Forensic Scientist II Benjamin Levin, consisting of two pages.

Based on these documents, the following questions were asked:

1. Can Mr. In be confirmed as excluded as a contributor to the mixed DNA profiles found on the evidence, as was represented by the Commonwealth at Mr. In's trial in 2008?
2. Can Dyshon Marable be excluded as a contributor to the mixed DNA profile found on Item #2 (Sample #24776, "swab from white latex glove, in front vestibule of 720 W. Mifflin")?
3. Can Dyshon Marable be excluded as a contributor to the mixed DNA profile found on Item #4 (Sample #24778, "swab of item #1 (PR#9006283), Sig Sauer 9mm Pistol")?
4. Can any conclusions be made based on a comparison of the mixed DNA profiles found on these two items, with respect to a common source or sources?

No supporting documentation was provided

A forensic report is a summary of analytical findings, and any data in it must be supported with documentation in order for the conclusions to be valid. The laboratory's case file was not provided, so a completely independent review could not be conducted. I would need the laboratory's case file to do that. The observations were limited to the data that was published in the reports.

Samples #24780 and #24781 (live rounds) did not yield profiles

Samples #24780 and #24781 were live rounds that were recovered from the Sig Sauer (Sample #24778) and Hecklien & Kuch (Sample #24779), respectively, and failed to yield any data at all. Hence, while no one can be excluded as a possible contributor, no one can be included, either, due to the lack of any data at all. For this reason, these samples will not be discussed further here.

REFERRAL QUESTION #1

John In is excluded as a contributor to all of the remaining samples

The following is an excerpt from page 2 of the report issued by the Philadelphia Police Department's Forensic Science Division (see page 1 of the PDF entitled "DNA.pdf"), with which I concur:

1. John In is excluded as a contributor of the DNA detected in samples #24775 - 24779.

The published data supports this conclusion. Samples #24775 through #24779 include:

- Sample #24775 – "Item #1, swab from white latex glove, rear alley behind 724 W. Mifflin"
- Sample #24776 – "Item #2, swab from white latex glove, in front vestibule of 720 W. Mifflin"
- Sample #24777 – "Item #3, swab from piece of latex glove, on the highway near 720 W. Mifflin"
- Sample #24778 – "Item #4, swab of item #1 (PR#9006283), Sig Sauer 9mm Pistol"
- Sample #24779 – "Item #5, swab of item #2 (PR#9006283), Hecklien & Kuch P-2000 9mm Pistol" [sic]

REFERRAL QUESTION #2

Item #2 (Sample #24776): Dyshon Marable is excluded as a contributor to the glove piece from the vestibule

The following is an excerpt from page 2 of the report issued by the Philadelphia Police Department's Forensic Science Division (see page 1 of the PDF entitled "DNA.pdf"):

3. The partial DNA mixture profile detected in sample #24776 consists of a mixture from at least two contributors, at least one of which is male. Jerry Jean and John In are excluded as contributors of the DNA detected in this sample. No further conclusions can be made at this time regarding any additional contributors of the DNA detected in this sample.

Given that the forensic DNA profile was that of a mixture of at least two contributors, and that Jerry Jean and John In have both been excluded, then it can be concluded that both of the contributors to this sample are unknown. The forensic DNA profile that was published by the Philadelphia Police Department's Forensic Science Division was compared to that which was published by DDC. Dyshon Marable can be excluded as a possible contributor.

REFERRAL QUESTION #3

Item #4 (Sample #24778): Dyshon Marable is excluded as a contributor to the Sig Sauer 9mm pistol

The following is an excerpt from page 2 of the report issued by the Philadelphia Police Department's Forensic Science Division (see page 1 of the PDF entitled "DNA.pdf"):

5. The partial DNA mixture profile detected in sample #24778 consists of a mixture from at least two contributors. The major component originates from an unknown male. Jerry Jean and John In are excluded as contributors of the DNA detected in this sample. No further conclusions can be made at this time regarding any additional contributors of the DNA detected in this sample.

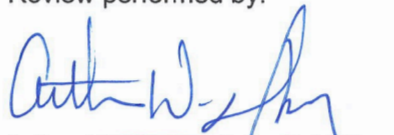
Given that the forensic DNA profile was that of a mixture of at least two contributors, and that Jerry Jean and John In have both been excluded, then it can be concluded that both of the contributors to this sample are unknown. The forensic DNA profile that was published by the Philadelphia Police Department's Forensic Science Division was compared to that which was published by DDC. Dyshon Marable can be excluded as a possible contributor.

REFERRAL QUESTION #4

At least two unknown profiles present in Item #2 (Sample #24776) and Item #4 (Sample #24778)

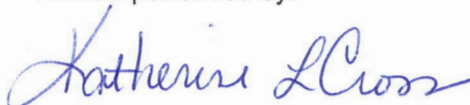
Considering that Jerry Jean, John In, and Dyshon Marable are not contributors to either Item #2 or Item #4, then it stands to reason that the DNA came from unknown individuals. Both Item #2 (Sample #24776) and Item #4 (Sample #24778) each yielded mixed DNA profiles of at least two individuals. Given the number of common alleles between the two samples, however, it cannot be ruled out at this time whether there is at least one common contributor between the two (*i.e.*, one unknown contributor whose DNA is present on both items). A third contributor may also be indicated at the locus D21S11 ("(30), 30.2, (32.2)" vs. "28, 29"), but it could not be determined whether or not one or more of these alleles might be artifactual or too negligible to use in any kind of interpretation. This may have been what was being implied in the Forensic Science Division's report, when it stated that "[n]o further conclusions can be made at this time regarding any additional contributors of the DNA detected in this sample."

Review performed by:



Arthur W. Young, B.S., F-ABC
Forensic Biology Specialist

Review performed by:



Katherine L. Cross, M.S., F-ABC
Forensic Biology Specialist

APPENDIX A

Philadelphia Police Department's Forensic Science Division's forensic DNA analysis report for Lab #07-70327 (dated 03/06/08) has been republished here, as well as the comparable DNA data from DNA Diagnostic Center's Forensic Report for Case #F20-25192 (dated 02/28/20).

SAMPLE#:	#24775	#24776	#24777	#24778	#24779	#24780	#24781	#24805	#24806	
PR#:	PR#9006285	PR#9006285	PR#9006285	PR#9006285	PR#9006285	PR#9006285	PR#9006285	PR#2720376	PR#2720377	
ITEM#:	Item #1	Item #2	Item #3	Item #4	Item #5	Item #6	Item #7			
DESCRIPTION:	Swab from white latex glove, rear alley behind 724 W. Milfin	Swab from white latex glove, in front vestibule of 720 W. Milfin	Swab from piece of latex glove, on the highway near 600 W. Milfin	Swab of Item #1 (PR#9006283), Sig Sauer 9mm pistol	Swab from Item #2 (PR#9006283), Heckler & Koch P-2000 9mm pistol	Swab taken from live round in chamber of Item #1 (PR#9006283)	Swab taken from live round in chamber of Item #2 (PR#9006283)	Jerry Jean	John In	Dyshon Marable
Amelogenin	X, Y	X, Y	X, Y	X, Y	X, Y	NR	NR	X, Y	X, Y	X, Y
D3S1358	15, (16), 17	16, (17)	15, 16, (17)	17	14, 15	NR	NR	15, 17	15	17, 18
D5S818	8, (10), (11), 12, (13)	(11), 12, (13)	(8), 10, 11, 12	11, 12	(8), 10, (11), 12, (13)	NR	NR	8, 12	10, 12	8, 12
D7S820	8, (10), 11	10, 11, 12	8, 9, (10), 11, 12	10, 11	10, (11)	NR	NR	8, 11	8, 11	8, 9
D8S1179	12, (14)	(10), (12), 14	(10), 12, (13), (14)	10, 13, (14)	(10 or 11?), (12), (14)	NR	NR	12	10, 13	12, 13
D13S317	(11), 12	(8), (9), 11, (12)	(8), (9), (10), (11), 12, 13	8	9, 12	NR	NR	12	11	11
D16S539	(10), (11), 12, (13), 15	9, 11, (12)	9, (11), (12), 13	9	(9), 11	NR	NR	12, 15	11, 12	10, 11
D18S51	13, (15), (17), 19	14	(13), (14), 15, (16), (17), 20	14	13, 15	NR	NR	13, 19	14, 18	16
D21S11	29, 30, (31), (31.2), (33.2?)	(30), 30.2, (32.2)	(29), 30, (32)	28, 29	29, (30), (31)	NR	NR	29, 30	30, 33.2	29, 31
CSF1PO	11, (12), (13)	10, (11)	(10), 11, 12	10	11, (13)	NR	NR	11, 13	10, 12	11
FGA	(21), 24, (26)	24, (25)	19, (20), (22), 24, 25	21, (24)	21, (22)	NR	NR	24	18, 23	21, 23
Penta D	9, (12), 13	9, 10	(2.2), 7, 9, (12), (13)	11	(9), 13	NR	NR	9, 13	12, 15	NT
Penta E	(8), (11), 12	NR	7, (8), (10), (11), (16)	16	INC	NR	NR	11, 12	13, 17	NT
TH01	(6), (7), 8	8, 9, 9.3	6, 8, (9), (9.3)	9, 9.3	8, 9.3	NR	NR	8	7	7
TPOX	(9), 11	INC	8, (9), 11	8	8	NR	NR	9, 11	8, 9	11
vWA	16, (17)	16, 17	16, 17	16, (17)	16	NR	NR	16	18	15, 17

*Allele not clearly legible in the copy that was provided.

RPC: 46 be advised, it's 2 black, white
 RADIO: We're looking for 2 black males and one Asian male...2
 black males and one Asian male...
 RPC: 4 Charlie
 RADIO: 4 Charlie...
 RPC: 4 Charlie have 33 come over to ah...
 RADIO: 33.
 RPC: 33, I received. I'm trying to come outta the alley.
 RADIO: Okay. Is anybody
 RPC: 46 be advised, one had light colored jeans, and navy blue zip
 up sweats.
 RADIO: Light colored jeans and navy blue zip up sweats, okay...
 RPC: 4 Charlie, this male's got blue jeans on and a navy blue
 sweat...sweat-jacket...a beard...4 Charlie have 33 come
 over to ah...400 Hoffman.
 RADIO: 43, 400 Hoffman.
 RPC: 4 Charlie, I'll need also...I need a wagon over here also.
 J-BAND: Okay J to South 2, I know you're busy, but when you get a
 chance
 RPC: 33.
 RADIO: 33.
 RPC: Let me know if anybody retrieved my vehicle. It was sitting
 on the...700 block of Mifflin Street. I jumped out after this
 male.
 RADIO: Okay. Units check um...30, for 33's car 700 block of
 Mifflin...
 J-BAND: Yeah, J to South 2, ah let me know if ah...to resume the
 Assist, I have units from other Divisions going in. and also I
 need the badge number of the officer that discharged, and if
 there's any injuries.
 RADIO: Okay. 4 Charlie...46, when you get a
 RPC: 4 Charlie.
 RADIO: 4 Charlie, we still have any of these males in sight? Or any
 more flash we have for em?...
 RPC: CI-2.
 RADIO: CO-2.
 RPC: Good morning. It's CI-2. You have a police discharge at 7th
 and Mifflin?
 RADIO: That's correct. We have 46 car with a police charge. 46 car,
 a badge number please ma'am, when you get a chance.

RPC: 7047.
 RADIO: 7047...
 RPC: 4 Charlie, get me a wagon. Give me my wagon at 5th and Hoffman.
 RADIO: 400, 5th and Hoffman.
 RPC: 33, that's where you want me at, 5th and Hoffman?
 RADIO: 400 that's correct, 5th and Hoffman.
 EPW: Ah 400 we're enroute. We have the prisoner from ah...Mifflin Street, from the 600 block of Mifflin Street as well.
 RADIO: Okay. Alright, 33 that's correct. That's gonna be um...the...it's gonna be 500 Hoffman with 4 Charlie...Alright, 4 Charlie do we know if we have any, any injuries to police, sir?...46, ma'am do you have any injuries.
 RPC: CI-2, I'm ah... enroute to that location. As soon as you can raise 4 Charlie ascertain whether there are any injuries please.
 RADIO: Okay. 4 Charlie...
 RPC: 4 in, there's no in, 4 Charlie no injuries to police at this time.
 RADIO: Okay. CI-2 receive?
 RPC: CI-2, it was ah...he said negative on the injuries?
 RADIO: That's correct...
 RPC: 48.
 J-BAND: Okay, J to South ah...can we resume it?
 RADIO: 4 Charlie, from J-Band, can we assume it?...
 RPC: 4 Charlie yes, please resume it.
 J-BAND: Okay. Do you have an apprehension? Are we looking for anybody else?
 RADIO: So far they have two apprehensions. We're still looking for uh, ...for one. 4 Charlie, what's the last um person we're looking for?
 RPC: 4 Charlie I'm gonna go up to Mifflin and find out now. Just make sure my wagon, have him come up to the 600 block of Hoffman. The ah 17th has one for me now.
 RADIO: Okay. 4 Charlie we're trying to find out what, the one that 46 ah discharged on, is that one of the prisoners that you have?...
 RPC: Ah, he apparently is not shot...
 EPW: Okay, 400 we're at 5th and Mifflin now. Where's the sergeant want us?

Declaration of Craig M. Cooley, Esq.

Pursuant to 28 U.S.C. § 1746

I, Craig M. Cooley, hereby declare:

1. I was John In's PCRA attorney in case # CP-51-CR-0004829-2007.
2. Mr. In has always maintained his innocence.
3. Based on my review of the discovery and trial transcripts in the case, the Commonwealth's theory of prosecution was that Mr. In was one of three (3) men who committed a home invasion robbery at 720 Mifflin Street in Philadelphia. The other two men charged were Jerry Jean and Dyshon Marable. The Commonwealth took DNA profiles from Mr. In and Jerry Jean. The Commonwealth took no profile from Marable, and trial counsel never requested that one be taken.
3. The discovery and trial evidence revealed that co-defendant Jean's DNA was found on a gun and latex glove recovered behind the residence. Co-defendant Marable was apprehended inside the residence in a closet. Both of these men pled guilty. Mr. In was arrested several blocks away, and none of his DNA was found at the crime scene or on any of the items connected to the crime.
4. The discovery and trial evidence revealed that a piece of latex glove was found in a front vestibule from which one of the home invaders was seen escaping. Both Jean and John In were excluded as contributors of the DNA found on that glove piece.
5. In closing at Mr. In's trial, the trial prosecutor suggested to the jury that the glove piece had been worn by Marable, so the fact that neither Jerry Jean's nor Mr. In's DNA was found on the glove piece, did not mean that Mr. In was not involved in the home invasion.
6. I was aware that Mr. In had asked his trial attorney to obtain Marable's DNA for comparison with the glove piece found in the vestibule. In fact, there was a letter in the trial file from trial counsel to Mr. In, after the verdict and before a ruling on post-sentence motions, in which trial counsel directly referenced Mr. In's request.
7. I have, within the last month, learned that habeas counsel obtained Marable's DNA profile, and I have learned that it excludes Marable as a contributor to DNA found on the glove piece in the vestibule.

8. If that is correct, this new evidence exculpates Mr. In. It demonstrates that the person who discarded the glove piece – who could not have been John In, or the two admitted perpetrators of the incident (Jean and Marable) – was the third person involved in the home invasion.

9. I concur with habeas counsel that trial counsel was constitutionally ineffective for failing to seek to obtain Marable's DNA profile. This could have been easily accomplished, as profiles were obtained from the other two co-defendants, and in any event, Marable, having been convicted of a qualifying offense, was required to provide a DNA sample.

10. In state post-conviction proceedings, I had no tactical reason to not assert this trial ineffectiveness claim. My not raising the claim was an oversight. This ineffectiveness claim is a substantial one, and assuming habeas counsel's testing is accurate, the claim not only has "some" merit, but it compels a finding that, but for trial counsel's failure, any rational jury surely would have acquitted Mr In.

I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Craig M. Cooley

Craig Cooley, Esq. Dated: 2/9/2021